

1 BILL NO. G-91-03-15 (AS AMENDED)

2 GENERAL ORDINANCE NO - 92-13-92

3 AN ORDINANCE OF THE COMMON COUNCIL OF THE
4 CITY OF FORT WAYNE, INDIANA
5 AMENDING CHAPTER 33 OF THE MUNICIPAL CODE
6 OF THE CITY OF FORT WAYNE, INDIANA

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
8 WAYNE, INDIANA:

9 SECTION 1. That Section 33-44 (f) (1) of Article X --
10 Flood Plain District be deleted in its entirety and replaced
11 with the following:

12 (1) Any placement of fill or other materials above grade
13 in the flood plain shall require compensatory storage
14 volume at least equal to the volume of flood plain
15 storage displaced and shall be provided at the same
16 incremental flood frequency elevation and within the same
17 watershed as the flood storage volume displaced. For the
18 purpose of this ordinance, watershed shall be defined as
19 an area from which water drains to a single point; in a
20 natural basin, the watershed is the area contributing
21 flow to a given place or a given point on a stream.
22 Compensatory storage shall be operational prior to
23 placement of fill or other materials in the regulatory
24 flood plain. The location within the flood plain from
25 which the fill is taken shall be graded and seeded to
26 prevent erosion and sedimentation. Grading in regulatory
27 flood plains shall be done in such a manner that the
28 existing flood storage is maintained at all times.

29 SECTION 2. That this Ordinance shall be in full force
30 and effect from and after its passage and approval by the
31 Mayor.

32 _____
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

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25 SECTION 2. That this Ordinance shall be in full force
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27 Mayor.

28 C. R. Edmund
29 Councilmember

30 APPROVED AS TO FORM AND LEGALITY:

31 J. Timothy McCaulay
32 J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-10-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by _____, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-14-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE _____ RESOLUTION NO. 2-13-92 on the 14th day of April, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1992, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of April, 1992, at the hour of 9:00 o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

H 508

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE This section regulates the placement of fill in regulatory flood plains. This section is designed to clarify existing language in the Zoning Ordinance. This will not modify the intent of the existing ordinance language.

9-92-03-15

EFFECT OF PASSAGE Clarify the placement of fill material in regulated floodplains. Clarifies the concept of compensatory storage of floodwaters.

EFFECT OF NON-PASSAGE The vagueness of the existing language and requirements of the Zoning Ordinance are difficult to understand and administer.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) None

(ASSIGN TO COMMITTEE) _____

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

DETAILS

Specific Location and/or Address
N/A
Reason for Project
The existing language found in Section 33-44 (f), (1) outlines the requirements for the placement of fill in the floodway fringe. The existing language lacks specificity and is difficult to administer. The proposed language eliminates these vague regulations and clarifies the requirements of this section of the ordinance.
Discussion (Including relationship to other Council actions)
Public Hearing - March 16, 1992
(See Attached Minutes of Meeting)
Business Meeting - March 23, 1992
Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation as amended.
Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.
Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide
	Other Areas
Applicants/ Proponents	Applicant(s) Land Use Management - C&ED City Department
	Other
Opponents	Groups or Individuals
	Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against
	Reason Against
Board or Commission Recommendation	By
	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against
	<input type="checkbox"/> No Action Taken
	<input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other
	<input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold
	<input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS**POLICY/PROGRAM IMPACT****Policy or
Program
Change**☐**No**☐**Yes****Operational
Impact
Assessment**

(This space for further discussion)

Project Start**Date** 12 February 1992**Projected Completion or Occupancy****Date** 24 March 1992**Fact Sheet Prepared by****Date** 24 March 1992

Patricia Biancaniello

Reviewed by**Date**

24 MARCH 1992

Reference or Case Number

a. Bill No. G-92-03-15 - Amendment #502
Amendment to Flood Ordinance
Section 33-44 (f) 1

Steve Ranshaw, Senior Planner, with Community and Economic Development appeared before the Commission. Mr. Ranshaw stated that basically what they are doing with the requested amendment was putting in some clarification language into the flood plain ordinance itself. He stated that all they are doing is taking a paragraph that was difficult to administer and very vague and replacing it with some language that was more specific. He stated that more specifically they are talking about the concept of compensatory storage, which is simply a regulation on fill, the amount and the type of fill that is allowed to be placed in the flood plain. He stated that the whole idea of compensatory storage is to make sure that you are not reducing the net volume of water that can be retained by the flood plain. He stated that the old language in the ordinance was unclear. He stated that the new language will be clear. He stated that we have been administering the old language the way the new language is stated. He stated this is not a change in content, just a clarification.

John Shoaff asked Mr. Ranshaw to clarify what the phrase "incremental flood frequency elevation".

Mr. Ranshaw stated that basically the whole idea behind that is to make sure that you are not pulling fill from across town and a different elevation. He stated it will actually have no effect on the compensatory storage or the flood plain at that location. He stated that if he was assuming that it is going to limit the area and the location from which that fill is to be pulled then he was correct.

Mr. Shoaff stated that was where he needed clarification.

Mr. Ranshaw stated that this language comes from the Federal Emergency Management Agency, and so this is the recommended language which they have given us in order to provide for the definition and the term "compensatory storage". He stated that his understanding as to how that is to be administered is to make sure that if you are filling at a particular flood elevation level, being the Mean Sea Level, whatever that would be within that 100 year flood elevation, that fill needs to be pulled from that same elevation and in that same general area. So that the basic net effect would be zero on the flood plain.

John Shoaff questioned what they meant by the same general area.

Mr. Ranshaw stated that they are not saying on the same lot. He stated they are saying in the same area that the water is being pulled to and stored at.

There was no one else who wished to speak in favor of or in opposition to the proposed amendment.

BILL NO. G-92-03-15 (AS AMENDED)

*Had
Hurd*

REPORT OF THE COMMITTEE ON REGULATIONS

CLETUS R. EDMONDS, CHAIRMAN
JANET G. BRADBURY, VICE CHAIRWOMAN
RAVINE, TALARICO, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM
WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AMENDING CHAPTER 33
OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

C R Edmonds
J G Bradbury
Jan Talarico
D Schmidt
Rebecca Ravine

DATED: 4-14-92.

Sandra E. Kennedy
City Clerk